

In the House of Representatives, U. S.,

December 10, 2018.

Resolved, That the bill from the Senate (S. 2511) entitled “An Act to require the Under Secretary of Commerce for Oceans and Atmosphere to carry out a program on coordinating the assessment and acquisition by the National Oceanic and Atmospheric Administration of unmanned maritime systems, to make available to the public data collected by the Administration using such systems, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

2 (a) *SHORT TITLE*.—*This Act may be cited as the*
3 *“Commercial Engagement Through Ocean Technology Act*
4 *of 2018” or the “CENOTE Act of 2018”.*

5 (b) *TABLE OF CONTENTS*.—*The table of contents for*
6 *this Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Coordination regarding assessment and acquisition by National Oceanic and Atmospheric Administration of unmanned maritime systems.

Sec. 4. Regular assessment of unmanned maritime systems to support National Oceanic and Atmospheric Administration missions.

Sec. 5. Acquisition of unmanned maritime systems.

Sec. 6. Reports on unmanned maritime systems and usage for mission of the National Oceanic and Atmospheric Administration.

Sec. 7. Funding and additional authorities.

1 **SEC. 2. DEFINITIONS.**

2 *In this Act:*

3 (1) *ADMINISTRATION.*—The term “Administra-
4 tion” means the National Oceanic and Atmospheric
5 Administration.

6 (2) *ADMINISTRATOR.*—The term “Adminis-
7 trator” means the Under Secretary of Commerce for
8 Oceans and Atmosphere and Administrator of the Na-
9 tional Oceanic and Atmospheric Administration.

10 (3) *COOPERATIVE ACTIVITIES OF THE ADMINIS-*
11 *TRATION.*—The terms “cooperative activities of the
12 Administration” means cooperative activities between
13 the Administration and an external entity, such as
14 the Cooperative Institutes, Sea Grant Colleges, Na-
15 tional Estuarine Research Reserves, the National
16 Oceanographic Partnership Program established
17 under chapter 665 of title 10, United States Code,
18 and regional associations of the Integrated Ocean Ob-
19 serving System.

20 (4) *DATA SPECIFICATIONS.*—The term “data
21 specifications” shall refer to the type, resolution, peri-
22 odicity, and quality of data required by an program
23 of the Administration.

24 (5) *TEST OR TRAINING RANGE.*—

25 (A) *IN GENERAL.*—The term “test or train-
26 ing range” means an area designated for oper-

ating unmanned maritime systems and other
types of systems for the purpose of—

(i) evaluating the performance of such
systems; or

(ii) training personnel on operating
procedures for such systems.

(B) *INCLUSIONS.*—The term “test or training range” may include specialized fixed or portable instrumentation for the operation of unmanned maritime systems and other types of systems.

(6) *UNMANNED MARITIME SYSTEMS.*—

(A) *IN GENERAL.*—The term “unmanned maritime systems” means remotely operated or autonomous vehicles produced by the commercial sector—

(i) designed to function without an on-board human presence; and

(ii) that may include associated components such as control and communications, instrumentation, data transmission, and processing systems.

(B) *EXAMPLES.*—The term “unmanned maritime systems” includes the following:

(i) *Unmanned undersea vehicles.*

1 (ii) *Unmanned surface vehicles.*

2 (iii) *Autonomous underwater vehicles.*

3 (iv) *Autonomous surface vehicles.*

4 (C) *TREATMENT OF AERIAL VEHICLES.—*

5 *The term “unmanned maritime systems” in-*
 6 *cludes unmanned aerial vehicles and autonomous*
 7 *aerial vehicles that are used to address maritime*
 8 *issues to the extent the Administrator determines*
 9 *it is necessary and appropriate to achieve the*
 10 *purposes of this Act.*

11 **SEC. 3. COORDINATION REGARDING ASSESSMENT AND AC-**
 12 **QUISITION BY NATIONAL OCEANIC AND AT-**
 13 **MOSPHERIC ADMINISTRATION OF UN-**
 14 **MANNED MARITIME SYSTEMS.**

15 (a) *ESTABLISHMENT.—The Administrator shall direct*
 16 *the Office of Oceanic and Atmospheric Research (in this Act*
 17 *referred to as “OAR”) and the Office of Marine and Avia-*
 18 *tion Operations (in this Act referred to as “OMAO”)—*

19 (1) *to coordinate the Administration’s research,*
 20 *assessment, and acquisition of unmanned maritime*
 21 *systems; and*

22 (2) *to consider the use of unmanned maritime*
 23 *systems in cooperative activities of the Administra-*
 24 *tion.*

25 (b) *COORDINATION WITHIN THE ADMINISTRATION.—*

1 (1) *UNMANNED SYSTEMS EXECUTIVE OVERSIGHT*
 2 *BOARD.—In meeting the requirements described in*
 3 *subsection (a), the Administrator shall—*

4 (A) *utilize the Unmanned Systems Execu-*
 5 *tive Oversight Board (in this Act referred to as*
 6 *the “USEOB”) as the coordinating mechanism;*
 7 *and*

8 (B) *ensure that OAR and OMAO address*
 9 *requirements throughout the Administration.*

10 (2) *INCLUDED.—In utilizing the USEOB under*
 11 *paragraph (1), the Administrator shall ensure that*
 12 *representation on the USEOB is included from the*
 13 *following:*

14 (A) *The Office of Ocean Exploration*
 15 *(OER).*

16 (B) *The program office of the Integrated*
 17 *Ocean Observing System.*

18 (C) *Such other offices of the Administration*
 19 *as the Administrator determines are actively en-*
 20 *gaged with unmanned maritime systems.*

21 (c) *COORDINATION WITH THE NAVY.—*

22 (1) *IN GENERAL.—In carrying out this Act, the*
 23 *Administrator shall—*

24 (A) *make efforts to coordinate with the Sec-*
 25 *retary of the Navy to leverage expertise in the de-*

1 *velopment and operational transition of un-*
2 *manned maritime systems;*

3 *(B) align with, utilize, and inform the Dep-*
4 *uty Under Secretary of Commerce for Operations*
5 *and the Oceanographer of the Navy's strategic*
6 *and operational priorities, particularly for mis-*
7 *sions and geography within the Administration's*
8 *purview;*

9 *(C) seek to utilize Naval unmanned systems*
10 *test or training ranges, such as the Gulf of Mex-*
11 *ico Unmanned Systems Test and Training*
12 *Range of the Naval Meteorology and Oceanog-*
13 *raphy Command, and maximize interagency co-*
14 *operation and sharing of best practices; and*

15 *(D) to formalize coordination, execute a*
16 *memorandum of understanding with the Sec-*
17 *retary of the Navy that includes—*

18 *(i) incorporating consideration of pri-*
19 *orities and requirements of the Administra-*
20 *tion into research and development activi-*
21 *ties conducted by the Secretary of the Navy;*

22 *(ii) consultation intended to encourage*
23 *and facilitate efforts by the Administration*
24 *to partner with the Navy to procure un-*
25 *manned maritime systems and to establish,*

instrument, and operate test or training ranges and related facilities;

(iii) adopting procedures defined by the Secretary of the Navy for the Administration to access and utilize test or training ranges or related Naval facilities for purposes identified in paragraph (2)(B); and

(iv) such other topics as the Administrator considers necessary or advisable, including mapping, bathymetry, observations, and ocean exploration.

(2) *LOCATION.*—The Administrator shall, if practicable, carry out the activities authorized by this Act at a facility where the Navy and the Administration are co-located, for the following purposes:

(A) *Gaining efficiencies through collaboration.*

(B) *Advancing development of unmanned maritime systems, including—*

(i) *systems research and development;*

(ii) *systems testing;*

(iii) *systems modifications; and*

(iv) *systems integration.*

(C) *Accelerating transition from concept to manufacturing and acquisition.*

1 (d) *COORDINATION WITH OTHER FEDERAL AGEN-*
2 *CIES.—In carrying out this Act, the Administrator and the*
3 *Secretary of the Navy may utilize the National Oceano-*
4 *graphic Partnership Program, established under chapter*
5 *665 of title 10, United States Code, as a mechanism for*
6 *providing interagency coordination for the advancement of*
7 *unmanned maritime systems.*

8 (e) *COORDINATION WITH ACADEMIC SECTOR.—In car-*
9 *rying out this Act, the Administrator, in consultation with*
10 *the Secretary of the Navy, may coordinate and co-locate*
11 *with an academic research institution, or consortium of*
12 *academic research institutions, for the following purposes:*

13 (1) *Maximizing opportunities for research and*
14 *development of unmanned maritime systems.*

15 (2) *Providing training in unmanned maritime*
16 *systems as part of an accredited certificate or degree*
17 *program of education.*

18 (3) *Facilitating the commercialization of un-*
19 *manned maritime systems through public-private*
20 *partnerships that includes academic research institu-*
21 *tions, private industry, and public safety agencies.*

22 (4) *Arranging access to and use of additional fa-*
23 *cilities that support testing and assessment of or*
24 *training with respect to unmanned maritime systems*
25 *under environmental conditions of interest, increasing*

1 *operational tolerance under such conditions, certi-*
 2 *fying operational capacity under such conditions,*
 3 *whether real or simulated, and training operators of*
 4 *unmanned maritime systems in real or simulated en-*
 5 *vironments.*

6 (5) *Facilitating engagement with other academic*
 7 *institutions with interest or relevant expertise in un-*
 8 *manned maritime systems.*

9 (6) *Promoting information sharing between the*
 10 *academic, environmental, and military institutions to*
 11 *lead to more robust, mission-oriented unmanned mar-*
 12 *itime systems.*

13 (f) *ENGAGEMENT WITH THE PRIVATE SECTOR.—*
 14 *Other than as described in subsection (e), the Adminis-*
 15 *trator, in consultation with the Secretary of the Navy, may,*
 16 *in carrying out this Act, to the extent practicable, coordi-*
 17 *nate and consult with the private sector—*

18 (1) *to support the commercialization of un-*
 19 *manned maritime systems; and*

20 (2) *to assist with their assessment of commer-*
 21 *cially available unmanned maritime systems to sup-*
 22 *port the missions and goals of the Navy, the Adminis-*
 23 *tration, and cooperative activities of the Administra-*
 24 *tion.*

1 **SEC. 4. REGULAR ASSESSMENT OF UNMANNED MARITIME**
2 **SYSTEMS TO SUPPORT NATIONAL OCEANIC**
3 **AND ATMOSPHERIC ADMINISTRATION MIS-**
4 **SIONS.**

5 (a) *IN GENERAL.*—*The Administrator, acting through*
6 *the Assistant Administrator for Oceanic and Atmospheric*
7 *Research and the Director of the Office of Marine and Avia-*
8 *tion Operations and the National Oceanic and Atmospheric*
9 *Administration Commissioned Officer Corps, shall regu-*
10 *larly assess publicly and commercially available unmanned*
11 *maritime systems for potential use to support missions of*
12 *the Administration.*

13 (b) *SCIENCE-BASED ASSESSMENTS.*—*The Adminis-*
14 *trator shall carry out subsection (a) through the Assistant*
15 *Administrator for all matters relating to assessment of the*
16 *suitability, feasibility, and cost-effectiveness of unmanned*
17 *maritime systems to meet data specifications required by*
18 *programs of the Administration.*

19 (c) *ASSESSMENT OF OPERATIONAL UTILITY.*—*The Ad-*
20 *ministrator shall carry out subsection (a) through the Di-*
21 *rector for all matters relating to assessment of whether un-*
22 *manned maritime systems are operationally reliable, fea-*
23 *sible, and cost effective enough to make observations re-*
24 *quired by programs of the Administration.*

25 (d) *ENGAGEMENT.*—*The Assistant Administrator and*
26 *the Director shall jointly—*

1 (1) convene and consult the Unmanned Maritime
2 *Systems Ocean Technology Coordinating Committee*
3 *established under section 3(b); and*

4 (2) consult with the heads of other offices of the
5 *Administration, the academic sector, and developers*
6 *and manufacturers of unmanned maritime systems to*
7 *conduct the assessments under subsection (a).*

8 **SEC. 5. ACQUISITION OF UNMANNED MARITIME SYSTEMS.**

9 (a) *IN GENERAL.*—*The Administrator shall coordinate*
10 *and centralize the acquisition by the Administration of un-*
11 *manned maritime systems to meet the prioritized list of*
12 *data requirements identified by OAR and OMAO in car-*
13 *rying out this Act in their regular assessments and ap-*
14 *proved by the USEOB.*

15 (b) *MEMORANDA OF UNDERSTANDING.*—*In order to re-*
16 *alize greater savings and efficiency, the Administrator may*
17 *develop and execute a memorandum of agreement with the*
18 *Secretary of the Navy to—*

19 (1) *participate in procurements conducted by the*
20 *signatories to the memorandum of understanding;*

21 (2) *accept decommissioned unmanned maritime*
22 *systems from the Navy;*

23 (3) *develop policies and procedures to share un-*
24 *manned maritime systems; or*

1 (4) *provide for other means of creating efficiency*
 2 *and savings in Federal acquisition of unmanned*
 3 *maritime systems.*

4 (c) *RULE OF CONSTRUCTION.*—*Nothing in this Act*
 5 *shall be construed to modify Federal procurement law.*

6 **SEC. 6. REPORTS ON UNMANNED MARITIME SYSTEMS AND**
 7 **USAGE FOR MISSION OF THE NATIONAL OCE-**
 8 **ANIC AND ATMOSPHERIC ADMINISTRATION.**

9 (a) *IN GENERAL.*—*In carrying out this Act, the Ad-*
 10 *ministrator shall, not later than one year after the date of*
 11 *the enactment of this Act, and every 4 years thereafter, sub-*
 12 *mit to the appropriate committees of Congress a report on*
 13 *the usage of unmanned maritime systems for the mission*
 14 *of the Administration.*

15 (b) *CONTENTS.*—*Each report submitted under sub-*
 16 *section (a) shall include, for the period covered by the re-*
 17 *port, the following:*

18 (1) *An inventory of current unmanned maritime*
 19 *systems used by programs of the Administration, a*
 20 *summary of the data they have returned, and the ben-*
 21 *efits realized from having such data.*

22 (2) *A prioritized list of data requirements of the*
 23 *Administration that could be met with unmanned*
 24 *maritime systems, and the commercially available*

1 *unmanned maritime systems with the operational ca-*
 2 *pabilities to collect such data.*

3 (c) *APPROPRIATE COMMITTEES OF CONGRESS DE-*
 4 *FINED.—In this section, the term “appropriate committees*
 5 *of Congress” means—*

6 (1) *the Committee on Appropriations, the Com-*
 7 *mittee on Armed Services, and the Committee on*
 8 *Commerce, Science, and Transportation of the Senate;*
 9 *and*

10 (2) *the Committee on Appropriations, the Com-*
 11 *mittee on Armed Services, the Committee on Natural*
 12 *Resources, and the Committee on Science, Space, and*
 13 *Technology of the House of Representatives.*

14 **SEC. 7. FUNDING AND ADDITIONAL AUTHORITIES.**

15 (a) *FUNDING.—The Administrator shall carry out this*
 16 *Act using existing amounts appropriated or otherwise made*
 17 *available to the Administration.*

18 (b) *ADDITIONAL AUTHORITIES.—In carrying out this*
 19 *Act, the Administrator may—*

20 (1) *enter into contracts, cooperative agreements,*
 21 *and other transactions with any domestic or foreign*
 22 *government;*

23 (2) *notwithstanding section 1342 of title 31,*
 24 *United States Code, accept donations and voluntary*
 25 *and uncompensated services;*

1 (3) *accept funds from other Federal departments*
 2 *and agencies;*

3 (4) *utilize the National Oceanographic Partner-*
 4 *ship Program established under chapter 665 of title*
 5 *10, United States Code, to accept funds from other*
 6 *Federal departments and agencies, to accept dona-*
 7 *tions, and to enter into contracts and award grants;*

8 (5) *under an agreement entered into under para-*
 9 *graph (1), transfer funds appropriated to carry out*
 10 *this Act to any organization; and*

11 (6) *use, with their consent, with or without reim-*
 12 *bursement, and subject to the availability of appro-*
 13 *priations, the land, services, equipment, personnel,*
 14 *and facilities of—*

15 (A) *any department, agency, or instrumen-*
 16 *tality of the United States;*

17 (B) *any State or local government or tribal*
 18 *government; or*

19 (C) *any foreign government or inter-*
 20 *national organization.*

Attest:

Clerk.

115TH CONGRESS
2^D SESSION

S. 2511

AMENDMENT